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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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JOSEPH G. SEEBER
POST OFFICE BOX 750
GREAT FALLS, VA 22066

EXAMINER	
WRIGHT, BRYAN F	

ART UNIT	PAPER NUMBER
2431	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/591,541	JOBBAGY ET AL.	
	Examiner	Art Unit	
	BRYAN WRIGHT	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

FINAL ACTION

1. This action is in response to amendment filed 9/28/2009. Claims 5-8 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 5-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Sasmazel (European Patent Application 1328101 A2 (cited from IDS)) in view of Zeidler (US Patent No. 4,578,530 (cited from IDS)).

3. As to claim 5, Sasmazel teaches a set of equipment for secure direct information transfer over an Internet, comprising information transmitting terminal devices for collaborating with an information forwarding network and for taking part in information traffic [fig. 1], each information transmitting terminal device comprising a sender partial unit (i.e., ... teaches a end units [110, fig. 1], a receiver partial unit and a storage partial unit (i.e., ...teaches a call complex receives request [col. 8, lines 23-32] ... further teaches complex retrieves from memory [col. 5, lines 35-45];

where said storage partial unit comprises an D-register containing a device identification signal (i.e., ... teaches a request containing a terminal id and

IP address code [col. 11, lines 1-10] ... further teaches a call complex determining if the IP address of the end unit has been previous registered [col. 12, lines 5-15. Those skill in the art would recognize determining if the IP address has previously been registered evolves the IP address having been previously stored), a C-register for storing a coding key (i.e., ... teaches retrieves from memory a public key [col. 8, lines 35-45]), and a D-register for storing a decoding key (i.e., ... teaches decrypting a request with retrieve public key from memory [col. 8, lines 35-45]); where the C-register storing the coding key is connected to the sender partial unit [fig. 1], and a respective coding key and a respective collaborating decoding key are allocated to a corresponding information transmitting terminal device (i.e., ... teaches a session key and public key corresponding with end unit [col. 8, lines 40-43]);

where the storage partial unit of each information transmitting terminal device includes at least one temporary storage register for the temporary storage of the coding keys of other information transmitting terminal devices (i.e., ... teaches a end unit 2 decrypting the incoming buffering col. 11, lines 20-30]); where the information forwarding network includes at least one central traffic coordinating unit (i.e., call complex) having an MD-register for storing a master decoding key and a memory unit including base cells for storing the coding keys belonging to the information transmitting terminal devices (i.e .... teaches a call complex [102, fig. 102] ... teaches the call complex determines if the IP address has been previously

registered, if IP address is not register the request is dropped [col. 12, lines 10-20] ... teaches a call complex maintains a session key .... teaches a call complex maintains a public key associated with a end unit [col. 8, lines 35-45]); where a master coding key collaborating with the master decoding key is allocated to the central traffic coordinating unit (i.e., ... teaches public key used for decrypting [col. 8, lines 39- 41]),

and the C-registers of the information transmitting terminal devices (i.e., end unit) are provided with a master coding key collaborating with the master decoding key stored in the MD- register of the central traffic coordinating unit (i.e., call complex) (i.e., ... teaches the selection and distribution of a session key by call center [col. 2, lines 30-40]);

where, in the storage partial unit of a first information transmitting terminal device, there is only information free from the coding key of the first information transmitting terminal device [col. 8, lines 15-25], while only the coding key of a second information transmitting terminal device (i.e., end unit) participating in an information exchange is temporarily stored in the temporary storage register of the first information transmitting terminal device [col. 11, lines 35-45];

and where only the coding key of the first information transmitting terminal device (i.e., end unit) participating in the information exchange is temporarily stored in the temporary storage register of the second information transmitting terminal device (i.e., ... teaches end unit 2 receives a packet in its incoming buffer and decrypts with end unit to end unit session key [col. 11, lines 35-45]); whereby, for the duration of actual information exchange, the first information

transmitting terminal device (i.e., end unit 1) and the second information transmitting terminal device (i.e., end unit 2) are directly linked to one another so that data flow without the mediation of the central traffic coordinating unit is provided (i.e., ... teaches a communication exchange between end unit 1 and end unit 2 comprises encrypted voice packets [col. 11, lines 35-40].

Sasmazel does not expressly teach the claim limitation elements: a receiver partial unit and a storage partial unit, a terminal device containing a D-register and C-register, a storage partial unit of each transmitting terminal device which includes at least one temporary storage register for the temporary storage of coding keys of other transmitting terminal devices, temporary storage registers of transmitting terminal devices connected to a sender partial unit,

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Sasmazel as introduced by Zeidler. Zeidler discloses: a receiver partial unit and a storage partial unit (to provide a receiver storage means and separate storage capability [fig. 3]), a terminal device containing a D-register and C-register (to provide a separate storage location for decryption key (e.g., decoding key) and encryption key (e.g., coding key) [fig. 3; 78, fig. 5]),

a storage partial unit of each transmitting terminal device which includes at least one temporary storage register for the temporary storage of coding keys of other transmitting terminal devices (to provide the encryption key (e.g. coding

key) storage capability [78, fig. 5], temporary storage registers (e.g., Active transaction table) of transmitting terminal devices connected to a sender (e.g., forwarding) partial unit (to provide temporary storage means connected sending means [81, fig. 5],

Therefore, given the teachings of Zeidler, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Sasmazel by employing the well known feature of encryption and decryption separate storage means as disclosed above by Zeidler, for which information transferring over the internet will be enhanced (fig. 5).

4. As to claim 6, Sasmazel teaches a set of equipment where the temporary storage registers of the information transmitting terminal devices are connected to the sender partial unit [fig. 1; fig. 2; fig. 3].

5. As to claim 7, Sasmazel teaches a set of equipment where the central traffic coordinating unit (i.e., call complex) is provided with an MC-register for storing a master coding key (i.e., .. teaches the call complex is equipped with memory [col. 5, lines 28-41] ... further teaches the call complex retrieves from memory a public key [col. 8, lines 35-45]).

6. As to claim 8, Sasmazel teaches a set of equipment where the central traffic coordinating unit is provided with an MC-register for storing a master

coding key (i.e., .. teaches call complex [fig. 1] ... teaches a call complex determines if end unit IP address has been previously registered .... teaches if end unit IP address is not registered request is dropped [col. 12, lines 10-20] ... teaches a call complex maintaining in memory a session key and a public key [col. 8, lines 35-45] and [col. 2, lines 20-25]).

Response to Arguments

Applicant's arguments filed 9/28/2009 have been fully considered but they are not persuasive.

With regard to applicant's remarks concerning the opinion stated in the International Search Report, the Examiner finds the teaching of Zeidler in substance to be relevant as it pertains to applicant's claim limitation element of "partial storage" and maintaining key data associated to other communicating entities. The Examiner position is based on the definition of "partial storage" as defined by applicant's original disclosure.

With regard to applicant remarks alleging deficiency on the part of Sasmazel pertaining to applicant's claim limitation element of "each transmitting terminal device includes a receiver partial unit and a storage partial unit", the Examiner contends Sasmazel discloses in paragraph 34 that each unit terminal comprises memory (e.g., storage) and one or more interfaces (e.g., receiver

partial unit). Additionally, the teaching of Zeidler provides storage for key data. Refer to fig. 3, figure item 34.

With regard to applicant alleging Sasmazel is deficient in teaching a "terminal device includes a D-register containing a device identification signal", the Examiner respectfully submits in paragraph 45, Sasmazel discloses an "end unit identification code" maintained in the end unit. The "end unit identification code" is subsequently encrypted and transmitted for authentication purposes.

With regard to applicant's remarks of "Thus, Sasmazel does not disclose or suggest a receiver partial unit and/or a storage partial unit disposed in a transmitting terminal device, as recited in independent claim 5. This is admitted on page 5 of the Office Action (see page 5, lines 5- I 0 of the Office Action). In the latter regard, on page 5 of the Office Action, the Examiner alleges that these features are well known in the art, and cites Figure 3 of Zeidler '530 as allegedly disclosing a receiver partial unit and a storage partial unit", the Examiner contends Sasmazel discloses in paragraph 34, that each unit terminal comprises memory (e.g., storage) and one or more interfaces (e.g., receiver partial unit). Furthermore, the teaching of Zeidler provides for storage of key data. Refer to fig. 3, figure item 34.

With regard to applicant's assertion of "the Examiner alleges that Sasmazel '101 discloses a C-register storing a coding key and connected to a

sender partial unit (citing Figure 1 of the reference)", the Examiner contends Sasmazel discloses in paragraph 45, maintaining (e.g., register storage) and using a "public key" (e.g. coding key) to encode the transmitted data. Once the data is encoded, the data is then sent out (i.e., sending buffer interface).

With regard to applicant's assertion of "the Examiner alleges that Sasmazel '101 discloses a storage partial unit of each transmitting terminal device which includes at least one temporary storage register for the temporary storage of coding keys of other transmitting terminal devices", the Examiner contends Sasmazel discloses in paragraph 45, maintaining (e.g., register storage) and using a "public key" of the calling complex to encode the transmitted data. Furthermore, Sasmazel discloses memory (e.g., storage) in paragraph 34.

With regard to applicant's assertion of Sasmazel is deficient in teaching or suggesting "C-registers or D-registers", the Examiner contends those skilled in the art would recognize that applicant's registers are just storage space and that the registries are inherent to the terminal devices circuit disclosed by Sasmazel. Furthermore, in Zeidler figure 3, Zeidler discloses the use of storage (e.g., C & D registers) for the purpose of maintaining key data.

With regard to applicant's assertion of "there is no disclosure or suggestion of a temporary storage register of a first transmitting terminal device, and the end-unit-to-end-unit session key" on the part of Sasmazel, the Examiner

respectfully submits Sasmazel in paragraph 45 discloses generating and maintaining a session key. Those skilled in the art would recognize that buffers (e.g., temporary storage) are inherent to the circuit performing the transmitting in Sasmazel's teachings.

With regard to applicant's assertion of "the Examiner alleges that Sasmazel '101 discloses that only the coding key of the first transmitting terminal device (end unit) participating in an information exchange is temporarily stored in a temporary storage register of a second transmitting terminal device", the Examiner contends Sasmazel teaches in paragraph 45 the ability to maintain a "public key" (e.g., coding key) associated with another communicating entity (e.g., second transmitting device) used to encode data.

With regard to applicant's assertion of "Zeidler '530 does not disclose the specific functions of the temporary storage", the Examiner contends figure 3 of Zeidler discloses the use of storage to maintain key data associated with other communicating devices. In this instance, maintaining key data is the function.

With regard to applicant's assertion of "In contrast, independent claim 5 of the present application calls for the storage, in a temporary storage register of a first information transmitting terminal device, of the coding key era second information transmitting terminal device which is participating in an information exchange with the first information transmitting terminal device", the Examiner

contends that both Sasmazel and Zeidler discloses the use of temporary storage (e.g., memory or transmittal buffer) for the purpose of maintaining key data (e.g., coding key) associated with an additional communication entity. Refer to the above Examiner remarks to applicant's assertion.

The Examines makes note of the fact that applicant's specification paragraph 1 reads:

"a storage partial unit comprising an ID-register containing a device identification signal, a C-register suitable for storing a coding key and a D-register suitable for storing a decoding key, where the C-register containing the coding key is in connection with the sender partial Unit"

The Examiner contends applicant is merely claiming a storage element with registers and that the storage element registers are named based on the data stored. For example a C-register is for maintaining a coding key and a D-register is for maintaining a decoding key. The Examiner respectfully submits that there is no distinguishing hardware characteristic of applicant's claimed registers and that those skilled in the art would understand that the registers simply store data regardless of applicant's naming convention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/
Examiner, Art Unit 2431

/William R. Korzuch/
Supervisory Patent Examiner, Art Unit 2431